



**Federal Aviation
Administration**

Office of the Chief Counsel

Fiscal Year 2008 Business Plan

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Washington, DC 20591
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2008 AGC Business Plan

The Federal Aviation Administration (FAA) is responsible for promoting safety in civil aviation and providing an efficient air traffic system that meets the needs of a wide range of stakeholders.

The FAA Office of the Chief Counsel (AGC) is responsible for furnishing legal services to the FAA Administrator and all agency organizations worldwide. The principal areas of AGC's legal practice include: legislation, international affairs, enforcement, regulations, procurement, airports and environmental law, personnel and labor law, litigation, and general law applicable to the executive branch (such as Ethics, Freedom of Information Act (FOIA) and Privacy Act compliance). Additionally, AGC houses both the FAA's Dispute Resolution Specialist responsible for implementing the provisions of the Administrative Dispute Resolution Act within the agency; and the Office of Dispute Resolution for Acquisition (ODRA), which serves as the Administrator's adjudicatory body in acquisition-related matters. AGC attorneys represent the agency before a variety of forums, including the National Transportation Safety Board (NTSB), the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), the FAA's Office of Dispute Resolution for Acquisition (ODRA), and the United States federal courts. AGC also works closely with the Office of the General Counsel of the Department of Transportation on issues that are common to modal administrations or that are of national significance to the aviation industry.

The Office of the Chief Counsel practice areas and program responsibilities integrally support the four goals of the FAA's Flight Plan (the Flight Plan): increased safety; greater capacity; international leadership; and organizational excellence. In the safety arena, AGC shares program responsibility with several offices within FAA, including the Office of Aviation Safety (AVS), the Office of Security and Hazardous Materials (ASH), and the Office of Airports (ARP), for the agency's enforcement policies and programs. AGC attorneys prosecute all manner of enforcement actions and represent the FAA on such matters before the NTSB, the FAA Decisionmaker, and the federal courts. Moreover, AGC plays a key role in support of the agency's rulemaking activities by ensuring that rules meet legal standards and maintaining agency rulemaking schedules.

The Office of the Chief Counsel supports the agency's increased capacity goal in two critical ways. First, AGC plays a vital role in advising ARP and the Air Traffic Organization (ATO), on the legal and environmental implications of runway expansions, terminal improvements and the redesign of the national airspace. Second, AGC's acquisition and commercial law staff works with the ATO, and other client offices to acquire safety and capacity enhancing equipment and technology.

In the international arena, AGC develops the agency position on international law issues, and serves as a liaison for FAA international aviation legal matters with other government agencies and industry.

In support of the agency's overall goals of achieving organizational excellence, AGC efforts are focused on improving the agency's overall employment practices, representing the agency in administrative and court litigation; and identifying ways to improve the agency's employment practices by minimizing its legal risks relating to employment decisions and policy.

Increased Safety

The compliance and enforcement program is a core activity of the Office of the Chief Counsel. We prosecute cases referred by the Flight Standards Service, Aircraft Certification Service, the Office of Aerospace Medicine, the Office of Security and Hazardous Materials, the Office of Airports, and the Office of Commercial Space Transportation. Handling these cases involves review of enforcement investigative reports from these offices, issuing the charging documents, and litigating cases before the NTSB, the FAA Decisionmaker, and the federal courts.

We also support the development and implementation of voluntary programs to gain safety information, which provides the basis for interventions to prevent accidents from happening. For example, we provide legal advice and drafting services in support of programs such as the Aviation Safety Action Program (ASAP), Voluntary Disclosure Reporting Program (VDRP), and Flight Operational Quality Assurance (FOQA) program.

FAA safety regulations are one of the agency's primary means of ensuring safety in air commerce and commercial space. AGC's regulatory activities include providing guidance and legal sufficiency review to program offices within the agency; legal counsel regarding the drafting, form and legality of regulations, orders, exemptions, airspace actions and obstruction evaluation determinations; interpretations of FAA regulations; development and recommendation of agency policy and standards relating to the legal aspects of agency rulemaking program; serving as a liaison with the Department of Transportation (OST) on legal aspects of the agency's regulatory program; and program responsibility for the Slot Management System.

The litigation staff provides legal services to FAA employees involved in aircraft accident investigations and associated litigation; processes tort claims; secures Department of Justice (DOJ) representation for FAA employees sued in an individual capacity; assists the DOJ in defending wrongful death, personal injury and property damage lawsuits; represents the FAA before federal courts, including courts of appeals on petitions to review agency orders; handles requests for employee testimony in private litigation matters; and prepares the Administrator's opinions in civil penalty cases appealed from decisions issued by Administrative Law Judges (ALJs).

Core Business Measure: Compliance and Enforcement

Prioritize and prosecute enforcement actions in accordance with the agency's safety goals; support the development and implementation of voluntary safety programs. During FY 2008 take the first legal action in 80% of the number of cases referred to AGC during June 1, 2007 to June 30, 2008.

Core Business Function: Legal Services Supporting the Agency Compliance and Enforcement Program

Provide legal support for the compliance and enforcement activities of AVS, ASH, ARP, and AST. Bring legal enforcement actions, that is, certificate and civil penalty actions, against

those who violate the FAA's statute and regulations and the Hazardous Materials Transportation Act and the hazardous materials transportation regulations. Litigate enforcement cases before the NTSB, FAA Decisionmaker and the federal courts. Provide timely and effective legal advice and policy document review in support of enforcement activities and the development and implementation of voluntary safety programs.

Core Activity: Legal Enforcement Actions

Bring timely legal enforcement actions in support of the enforcement activities of AVS, ASH, ARP and AST.

Activity Target 1: During FY 2008 take the first legal action in 80% of the number of cases referred to the Office of the Chief Counsel during June 1, 2007 to June 30, 2008.

Activity Target 2: By September 15, 2008, evaluate data on the office's ability to meet target one and provide a report to the Chief Counsel, including recommended actions to improve timeliness, if any.

Core Activity: Targeted Enforcement

As part of the Compliance and Enforcement Review Team (CERT), complete evaluation of the Targeted Enforcement Policy and the use of the Enforcement Decision Tool.

Activity Target 1: Complete evaluation of Targeted Enforcement Policy and the use of the Enforcement Decision Tool by September 1, 2008.

Core Activity: Training Sessions for Enforcement Investigative Personnel

Conduct training/feedback sessions for enforcement investigative personnel.

Activity Target 1: Conduct sessions so that employees from 25% of offices with enforcement personnel not trained in FY06 or FY07 are trained, provided adequate funding is available, by September 15, 2008.

Activity Target 2: If funding is not available, develop a revised plan within 30 days of budget notification.

Core Activity: Amendment of 14 CFR Part 13, Subpart D

Finalize a draft Notice of Proposed Rulemaking (NPRM) to amend 14 CFR Part 13, Subpart D.

Activity Target 1: Disseminate draft NPRM to affected offices for comment, modify draft based on comments and further review, and finalize draft by September 15, 2008.

Core Business Measure: Rulemaking Legal Services

Provide the regulated community with timely guidance in response to requests for interpretations. Work with the Office of Rulemaking (ARM) to complete 80% of critical safety rules within 90 days of original due date to OST.

Core Business Function: Agency Rulemaking Activity & Improvements

Support agency rulemaking activities and improvements by ensuring rules meet legal standards, provide legal services in accordance with flight plan and client priorities, improve the overall rulemaking process and identify regulatory process improvements.

Core Activity: Regulatory Legal Services in Accordance With Agency Priorities

Provide timely and effective legal advice, representation, policy guidance, and legal sufficiency reviews relating to rulemaking and ensure, through regular formal meetings, that services are provided in a manner that reflects the priorities of the Administrator, the Flight Plan and AGC's primary clients.

Activity Target 1: During FY 2008, in cooperation with clients, on a bi-monthly basis, determine agency rulemaking priorities and develop schedules and milestones for completion of high priority rulemakings.

Activity Target 2: Improve the rulemaking process by participating in quarterly Continuous Improvement Team (CIT) meetings and implementing changes where appropriate.

Core Activity: Assist Office of Rulemaking (ARM) in Meeting Rulemaking Schedules

Assist ARM in completing 80% of critical safety rules within 90 days of original due date to OST and assist in effectively managing the FAA's Petition for Exemption Process.

Activity Target 1: 80% of critical safety rules will meet out of agency dates within 90 days of originally scheduled date.

Activity Target 2: With the exception of Age 60 Petitions for Reconsideration, assist clients in processing 80% of exemption requests received since June 1, 2007 within 120 days.

Core Business Measure: Accident and Tort Litigation Services

Provide representational legal services relating to major accident investigations and related litigation 100% of the time.

Core Business Function: Litigation Legal Services

Provide timely representational legal services to the agency relating primarily to aircraft accidents in federal forums and represent the Administrator in civil penalty cases and keep the Administrator apprised of agency's contingent liability.

Core Activity: Timely Provision Of Representational Legal Services.

Ensure that representational legal services are provided in a timely manner.

Activity Target 1: Identify nature of claim within two days of receipt.

Activity Target 2: Prepare claims analysis within six months of receipt of claim.

Activity Target 3: Prepare proposed answers or responses within 50 days of filing of complaint.

Core Activity: Contingent Liability

Monitor the agency's contingent liabilities and keep the Chief Counsel and Administrator apprised of potential agency exposure.

Activity Target 1: Coordinate with Financial Management Services (AFM) litigation liability response based on due dates established by AFM for FY 2008.

Activity Target 2: Resolve outstanding issues with AFM and auditor two weeks before each quarterly submission.

Activity Target 3: Complete report to meet quarterly deadline and, as necessary, keep the Administrator, Deputy Administrator and ATO apprised of significant changes and potential future liability likely to affect the agency.

Greater Capacity

In order to help achieve FAA's safety and

capacity related goals, the Office of the Chief Counsel provides legal services to internal and external customers that enhance airport and airspace capacity and safe and efficient use of navigable airspace. Activities include providing client counseling for administration of the multi-billion dollar Airport Improvement Program, facilitating streamlined environmental review and compliance, legal review of environmental documents, development of strategies and best practices to minimize legal risks associated with FAA projects and programs, and representational legal services for all lines of business in airport and environmental matters. More specifically, the Airports and Environmental Law staff supports the office of Associate Administrator for Airports (ARP) in funding runway expansion and safety projects, provides legal support for the ATO in redesigning the airspace surrounding airports in major metropolitan areas, advises the Office of Commercial Space Transportation (AST), concerning approval of various licenses, and assists Flight Standards with environmental reviews supporting approval of new air carrier operations at airports. The Office of the Chief Counsel also supports development of air tour management plans over national parks and the Slot Management Program.

The Acquisition and Commercial Law staff assists clients in acquiring safety and capacity enhancing equipment, services, intellectual and real property needed to support the Flight Plan. The staff supports all agency procurement activities valued at over \$100,000, advises on grants, cooperative agreements, other transaction agreements and represents the Agency in acquisition related litigation and disputes. The acquisition group also provides the commercial services needed to support the agency's information security requirements and other President's Management Agenda goals.

The Office of Dispute Resolution for Acquisition (ODRA) serves as the Administrator's administrative adjudicatory body in acquisition-related matters and ensures that acquisition conflicts are resolved through alternative dispute resolution processes or promptly adjudicated. ODRA provides timely, efficient and accessible dispute resolutions processes to resolve

acquisition related conflicts.

Flight Plan Target: Airport Average Daily Capacity (7 Metro)

Achieve an average daily airport capacity for the seven major metropolitan areas (New York, Philadelphia, Charlotte, Las Vegas, Los Angeles, San Francisco and Chicago) of 39,484 arrivals and departures per day by FY 2009, and maintain through FY 2012. FY 2008 Target: 32,676

Strategic Initiative: Capacity-Enhancing Policies

Work with the aviation community to establish the most feasible policies to enhance capacity and manage congestion.

Strategic Activity: Reinstitution of Capacity Restriction at LaGuardia

In conjunction with AEP, initiate rulemaking designed to relieve flight delays at LaGuardia airport.

Activity Target 1: AGC will provide timely legal review and guidance to AEP.

Strategic Initiative: Environmental Impact Studies

Monitor and maintain scheduled progress for Environmental Impact Statements at South Suburban (Chicago), Southern Nevada Supplemental and Philadelphia (located within the 7 major metropolitan areas).

Strategic Activity: Environmental Law Services to Airport & Environmental Program Offices

Monitor and maintain scheduled progress for Environmental Impact Statements (EISs) at South Suburban (Chicago), Southern Nevada Supplemental, and Philadelphia Airports (located within the seven major metropolitan areas). Support ARP in conducting periodic review of project status to monitor progress, ensure timely coordination, resolution of problems, and maintain milestone dates as defined by regions.

Activity Target 1: In cooperation with ARP, on an ongoing basis develop schedules and milestones for completion of these EISs. Obtain or prepare and circulate a master schedule for these projects to managers and attorneys in headquarters and Great Lakes (AGL),

Western-Pacific (AWP), and Eastern (AEA) regional offices by October 31, 2007.

Activity Target 2: Consistent with legal requirements, ensure regional established milestones and completion dates for these EISs are met in FY 2008, including legal sufficiency review of preliminary draft and final EISs and draft records of decision within 25 days.

Flight Plan Target: Annual Service Volume

Commission nine new runway/taxiway projects, increasing the annual service volume of the 35 OEP airports by at least 1 percent annually, measured as a five-year moving average, through FY 2012. FY 2008 Target: 1%, Open a new center taxiway at Los Angeles International Airport (LAX)

Strategic Initiative: Environmental Studies (Located outside the 7 major metro areas)

Support environmental processing of airfield improvements at the 35 OEP airports including projects that support Vision 100 environmental streamlining.

Strategic Activity: Environmental Law Services to Airport & Environmental Program Offices

At a minimum, conduct monthly review of project status to monitor progress, ensure timely coordination, resolution of problems, and maintaining milestone dates as defined by the regions.

Activity Target 1: In cooperation with ARP, on an ongoing basis develop realistic schedules and milestones for completion of these EISs.

Activity Target 2: Consistent with legal requirements, ensure established milestones and completion dates for EIS studies at Ft. Lauderdale, West Palm Beach, Houston George Bush Intercontinental, and Mammoth Lakes are met in FY 2008.

Activity Target 3: On a quarterly basis, review schedules and milestones in Southern (ASO), and Southwest (ASW) regional offices, and take necessary steps to ensure that there are sufficient legal resources to meet them and complete legal reviews of preliminary draft and final EISs and draft records of decision within 25 days.

Core Business Measure: Airport and Environmental Legal Services

Support environmental processing of airfield improvements at 35 OEP airports, ensure established milestones and completion dates for EIS studies at West Palm Beach, Ft. Lauderdale, Houston George Bush Intercontinental, and Mammoth Lakes are met in FY 2008 by completing legal sufficiency review of preliminary draft and final EISs and draft Records of Decision within 25 days.

Core Business Function: Legal Services to Airport & Environmental Program Offices

Provide legal support necessary to streamline and complete on a timely basis environmental reviews for airport capacity and capacity-related projects and continue to develop strategies and best practices to minimize legal risks in FAA airport and environmental litigation. Provide legal support for efficient administration of the AIP, the airport compliance program, and the passenger facility charges (PFC) program, including legal sufficiency review of policy and regulatory guidance, Part 16 determinations, and PFC decisions. Provide timely representational legal services to the agency relating to complaints of grant noncompliance and improper diversion of airport revenue under 14 CFR Part 16 and to defense of airport and environmental litigation.

Core Activity: Environmental Law Services to Airport & Environmental Program Offices

Meet with primary clients and coordinate with Regional Counsel on a periodic basis to formally identify priorities; address type of legal support needed to advance projects and regulatory and policy guidance, minimize legal risks relating to decisions and policy, and provide effective legal representation; obtain client feedback on support provided and, as necessary, and reassess services being provided.

Activity Target 1: By October 31, 2007, contact all primary clients and agree upon schedule for meetings at least on a quarterly basis.

Activity Target 2: On a quarterly basis review pending EIS studies that are not subject to the Flight Plan Strategic Initiatives listed above with Regional Counsel, address type of legal support needed to meet priorities of primary clients, and take necessary steps to reallocate or obtain additional legal resources to minimize legal risks and provide effective legal representation on these matters.

Core Activity: Refine Criteria Used to Measure Timeliness of Airport and Environmental Law Services

Refine criteria used to measure effectiveness and timeliness of legal services provided to environmental programs to validate established minimum timeframes for legal sufficiency review of EISs and develop timeframes for review of environmental assessments.

Activity Target 1: By January 31, 2008 (1) survey all EISs and EAs that were reviewed for legal sufficiency between September 18, 2002 and September 30, 2007 and (2) determine the median timeframes for completion of these documents and for legal sufficiency review.

Activity Target 2: By June 30, 2008 use this data to determine whether to recommend adjustments in the timeframes for legal review of EISs and establishment of a timeframe for legal review of EAs.

Core Activity: Airport Law Services to Office of Airports

Provide timely service in processing complaints concerning noncompliance of airport sponsors with grants under 14 CFR Part 16, Rules of Practice for Federally Assisted

Airport Enforcement Proceedings.

Activity Target 1: Part 16 complaints either will be docketed or, as appropriate for lack of sufficient information or lack of completeness, dismissed 75% of the time within 20 calendar days. Within 120 calendar days of the last pleading filed in a Part 16 case that requires an AGC decision dismissing the case with prejudice on jurisdictional or other grounds, the complaint will be dismissed with prejudice 70% of the time. (Complaints are considered filed when an original and three copies are received).

Activity Target 2: Provide bi-annual reports by email to the Assistant Chief Counsel for the Resource Management Division (AGC-700) concerning the dates that Part 16 complaints are filed and dismissed or docketed.

Core Activity: Timely and Effective Provision of Representational Legal Services

Ensure that representational legal services are provided in a timely and effective manner.

Activity Target 1: Review petitioners' initial briefs within 2 weeks of receipt and provide comments on the statement of facts with references to the administrative record.

Activity Target 2: Assist the DOJ attorney in drafting and reviewing respondent's brief, as requested, within ten business day.

Activity Target 3: At least 30 days prior to oral argument review petitioners' reply brief and provide any appropriate additional comments with appropriate references to the administrative record.

Core Activity: Conduct Recurrent Training Conference

Partner with Council on Environmental Quality (CEQ), DOT, federal environmental agencies and public and private sector organizations to conduct a recurrent training conference to improve and maintain professional skills needed for working on environment-related aviation issues and moving projects through the environmental review process. Training should address broad range of common and complex legal issues that arise in NEPA review and litigation, trends in the law, and best practices. It should include peer exchanges, opportunities for client

participation, teambuilding, training in dispute resolution, and training in client management.

Activity Target 1: Organize a planning committee by December 15, 2007.

Activity Target 2: Identify and confirm a location by January 31, 2008.

Activity Target 3: Develop an agenda by March 30, 2008.

Activity Target 4: Conduct the training conference by September 15, 2008.

Core Business Measure: Acquisition and Commercial Law Related Legal Services

Provide timely legal service by conducting legal review of all procurement documents within ten days of receipt.

Core Business Function: Acquisition and Dispute Resolution for Acquisition Services

The Acquisition and Commercial Law Division provides legal advice and represents agency interests relating to FAA acquisition of systems and services needed to achieve Flight Plan goals. Its staff ensures the legal sufficiency of acquisition documents; assists clients in developing a rational basis for acquisition decisions; and, represents the agency when acquisition decisions are challenged. ODRA, independent of the Acquisition and Commercial Law Division, serve as the Administrator's administrative adjudicatory body in acquisition-related matters and provides timely, efficient and accessible dispute resolutions processes to resolve acquisition related conflicts.

Core Activity: Prioritize Provision of Acquisition Legal Resources and Timely Document Review

Ensure that acquisition and commercial law legal services are provided in a manner that reflects agency and primary client priorities, provides timely review of procurement documents and represents the agency in bid protests and contract disputes.

Activity Target 1: Provide timely provision of acquisition and commercial law legal services, review all procurement documents within ten days or less of receipt.

Core Activity: Intellectual Property

Continue to provide training and guidance to agency employees on the agency's intellectual property rights.

Activity Target 1: Conduct training sessions to at least three regional offices on the agency's intellectual property rights by August 31, 2008.

Core Activity: Acquisition Law Training

Provide training to contracting personnel (contracting officers, specialists, and contracting officer technical representatives) on the agency's procurement policies in the Acquisition Management System and on procurement integrity.

Activity Target 1: Conduct training session for HQs personnel by June 30, 2008.

Activity Target 2: Conduct training at Technical Center and Aeronautical Center by August 31, 2008.

Core Activity: Contract Oversight

Recommendation from the Office of the Inspector General (OIG), Congress, and the Administrator point to the need to conduct more comprehensive oversight of contract formation and administration. As a result, AGC will establish an oversight function to review contract formation and administration policies and procedures. This function will support headquarters acquisition activities and will assist regional counsel with procurement oversight activities. The function will also support the ATO's newly established National Acquisition Evaluation Program (NAEP).

Activity Target 1: Establish AGC oversight function by March 31, 2008.

Activity Target 2: Develop support materials for regional counsel reviews by August 31, 2008.

International Leadership

In order to ensure the continued leadership of the U.S. in global civil aviation system, the Office of the Chief Counsel provides legal services relating to drafting and negotiating international agreements on safety oversight, air traffic, airworthiness, technical assistance, and other aviation related areas. The international legal staff prepares the U.S. position on matters before the International Civil Aviation Organization (ICAO); provides legal policy guidance on registration of

aircraft and recordation of property rights in aircraft; and provides legal support for all matters involving the administration of the Aviation Insurance Program.

Core Business Measure: International Legal Services

Provide legal services relating to drafting and negotiation of international agreements; prepare the U.S. position on matters before ICAO; and provide legal support for the Aviation Insurance Program. Meet client due dates 80% of the time.

Core Business Function: Support Client Offices

Support client offices through the provision of international legal services. Provide legal services to ensure priorities of the Administrator, flight plan and primary clients are met.

Core Activity: Provide International Legal Services

Ensure that international legal services are provided in a manner that reflects the priorities of the Administrator, the flight plan and the office's primary clients.

Activity Target 1: AGC will meet monthly with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided and, as necessary, reassess service being provided.

Core Activity: Regional Safety Oversight System in Caribbean

Provide legal assistance to API which, under the Third Border Initiative, will provide leadership for the Caribbean Community and the Regional Aviation Safety Oversight System to enhance aviation in the region.

Activity Target 1: Provide legal assistance to API during FY 2008 as it completes and implements its FY 2007 comprehensive work plan by September 2008.

Core Activity: Iraq Technical Assistance

Provide legal assistance to lines of business to provide technical assistance necessary to support the DOT program mission in Iraq.

Activity Target 1: Provide legal

assistance to FAA Civil Aviation Assistance team, which will provide technical assistance and program management to Iraq in coordination with other donors as established in the FY 2007 technical assistance plan by September 1, 2008.

Organizational Excellence

In support of the agency's overall goal of organizational excellence, AGC will maintain its focus on improving agency employment practices in addition to improving the efficiency and effectiveness of its legal services. The Personnel and Labor Law Staff will develop an AGC-wide system to ensure accurate reporting under the NO FEAR Act. We will also assess the impact the ATO reorganization has had on representing the agency in employment litigation, identify areas requiring improvement in working relationships, and work with the ATO to implement changes necessary to ensure appropriate agency representation in employment cases.

The Alternative Dispute Resolution Specialist is responsible for increasing the understanding and use of ADR within FAA, pursuant to the Administrative Dispute Resolution Act. The staff provides policy and legal direction, expertise, and support for all ADR programs and conflict management initiatives in the agency. The staff also delivers training, and may provide, or arrange for, workplace or non-workplace, intervention services as necessary.

In the Ethics arena, AGC will move forward with its effort to implement automated filing of confidential disclosure forms. The implementation builds on progress made through the Cooperative Research and Development Agreement with HRWorks.

Flight Plan Target: Employee Attitude Survey

Increase the score of the Employee Attitude Survey measure for the areas of management effectiveness and accountability by at least 5 percent, over the 2003 baseline of 35 percent by FY 2010 and maintain through FY 2012. FY 2008 Target: 40%

Strategic Initiative: Conflict Management

Undertake a timely and effective corporate approach to conflict management. (LEAD is Center for Early Dispute Resolution - CEDR)

Strategic Activity: Support of Early Dispute Resolution Center (CEDR)

Provide legal support to the CEDR

Activity Target 1: Provide data as appropriate to the CEDR data and analysis system.

Flight Plan Target: Cost Control

Organizations throughout the agency will continue to implement cost efficiency initiatives such as: 10-15% savings for strategic sourcing for selected products and services; By the end of FY 2009, reduce leased space for Automated Flight Service Stations from approximately 510,000 square feet to approximately 150,000 square feet; 3% reduction in help desk operating costs through consolidations; and Annual reduction of \$15 million in Information Technology operating costs. FY 2008 Target: At least one activity per approved organization and achievement of the targeted savings.

Strategic Initiative: Cost Control Program

Implement line of business cost efficiency initiatives to reduce costs or improve productivity.

Strategic Activity: AGC Cost Control Activity

AGC will work with ABA to identify a cost control activity for FY 2008.

Activity Target 1: Meet with ABA by October 10, 2007 to identify a cost control activity and develop appropriate targets.

Strategic Initiative: Legislative Proposal for Reauthorization

In partnership with the aerospace community, implement FAA financial reform and reauthorization.

Strategic Activity: Legislative Proposal For Reauthorization

Provide legal drafting, analysis and other technical assistance on draft legislative

proposals as necessary. Analyze enacted legislation to develop the initial legislative implementation plan, which will be used by AEP and other FAA offices to track implementation of congressional mandates contained in such legislation.

Activity Target 1: Develop initial legislative implementation plan within 60 days of the law's date of enactment. Provide legal services as necessary for implementation of FAA's reauthorization by dates consistent with the reauthorization legislation implementation plan.

Strategic Initiative: Productivity and Financial Metrics

Each FAA organization will develop, track, and report quarterly on a comprehensive measure of its operating efficiency or financial performance. These measures will include: (in bullets) Cost per controlled flight, Research, Engineering, and Development (RE&D), Management Staff Efficiency Measure, Grant Administration Efficiency Measure.

Strategic Activity: Efficient Processing of Enforcement Cases

In seventy percent of legal enforcement case, the first legal action is taken with 60 days of receipt by a legal counsel office.

Activity Target 1: Provide monthly reports to Regional and Aeronautical Center Counsel and AGC-300 on the number of cases in which the first legal action was taken within 60 days of receipt in the legal office and the elapsed time to take that action.

Activity Target 2: By December 1, 2007, review the data on trends from the previous year and other pertinent information and determine what changes could be implemented to achieve the 70 per cent goal.

Activity Target 3: By September 15, 2008, determine the percentage of cases received between July 1, 2007 and June 30, 2008 in which the first legal action was taken within 60 days of receipt of the case in the legal office. Identify trends in case initiation using the data and provide a report to the Chief Counsel, including recommended actions to improve timeliness, if any.

Strategic Activity: Improve Time for Responding to Public Requests for Interpretations

Implement measures to improve timeliness of responses to public requests for interpretations of FAA regulations.

Activity Target 1: Respond to 50% of requests within 120 days of receipt in FY08.

Flight Plan Target: Information Security

Achieve zero cyber security events that disable or significantly degrade FAA services. FY 2008 Target: 0

Strategic Initiative: Enterprise Architecture Conformance

Enable enterprise-wide conformance to information technology enterprise architecture.

Strategic Activity: IT Enterprise Architecture

Update the infrastructure and application inventories and coordinate technical standards for non-NAS hardware and software where there are common requirements.

Activity Target 1: AGC will update its infrastructure and application inventory by December 31, 2007.

Flight Plan Target: Customer Satisfaction

Increase agency scores on the American Customer Satisfaction Index, which surveys commercial pilots. FY 2008 Target: 67

Strategic Initiative: Standardize FAA Websites

Standardize FAA websites making them more useful for exchanging information and conducting business. Web Management order signed by the Administrator in August 2004 requires an annual certification on compliance with FAA web policies and standards, from the head of each LOB and Staff Offices by September 30 of each year. FAA Brand Identity Program signed by the Administrator September 2006. External mandates include the President's Management Agenda to Expand E-Government and Office of Management and Budget guidance, Policies for Federal Government

Public Websites. This objective of this initiative is to make FAA's websites for the public and employees useful and have a consistent look and navigation.

Strategic Activity: Standardize Websites

Standardize AGC websites in compliance with Agency web policies and standards and make them more useful for exchanging information and conducting business.

Activity Target 1: Update web strategies and action plan to the FAA Web Manager by November 30, 2007.

Activity Target 2: Certify to the Administrator by September 30, 2008 that 90% or more of the AGC web pages comply with FAA web standards, policies and requirements.

Core Business Measure: Personnel & Labor Law Legal Services

Represent the FAA in administrative and court litigation having a potentially significant impact on any law, regulation, or FAA policy relating to the employment of FAA personnel and provide timely and effective legal advice regarding employment matters. Complete 50% requests for legal advice within 14 days.

Core Business Function: Legal Services in Personnel and Labor Law

Provide legal services and representation in a timely and effective manner reflecting agency priorities and continue to improve the Agency's employment practices by identifying ways of minimizing the FAA's legal risk relating to employment decisions and policy. Will meet monthly with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided and, as necessary, reassess services being provided.

Core Activity: Legal Representation and Policy Advice

Provide legal services and representation in a manner reflecting Agency priorities and continue to identify ways to improve the Agency's employment practices by minimizing the FAA's legal risk relating to employment decisions and policy.

Activity Target 1: Meet monthly with primary clients to formally identify priorities, address type of legal support

needed to advance the projects, obtain client feedback on support provided and, as necessary, and reassess services being provided.

Core Activity: NO FEAR Reporting System

Establish formal NO FEAR reporting system within the Office of the Chief Counsel.

Activity Target 1: Draft internal procedures to be used by regions and center to report payment made subject to No Fear reimbursement by February 28, 2008.

Activity Target 2: Disseminate proposed procedures to regions and centers for comments. Incorporate comments by May 31, 2008.

Activity Target 3: Implement No Fear reporting system by July 1, 2008.

Core Activity: ATO Services

Review and analyze the interaction between the Office of the Chief Counsel and ATO Service Area Offices in employment law cases and recommend changes to improve effectiveness and efficiency in the handling of those cases.

Activity Target 1: Identify interaction between ATO and Chief Counsel's Office for each ATO Service Area. Discuss nature and volume of ATO cases and possible methods to improve upon AGC's effective handling of cases and issues by May 1, 2008.

Activity Target 2: Identify success/problems arising from the ATO Service Center structure; solicit ways of improving efficiency in handling ATO cases from Regional and Center Counsel. Incorporate comments into suggested improvements. Discuss with ATO by July 31, 2008.

Activity Target 3: Implement improvements by September 30, 2008.

Core Activity: Personnel and Labor Law Conference

Hold a Personnel and Labor Law Conference for all Office of the Chief Counsel attorneys practicing in the employment law area. Conference will include practical administrative litigation training sessions conducted by experienced outside trainers. Additionally, there will be updates on developments impacting the practice.

Activity Target 1: Establish headquarters and regional conference team and identify location, dates, and develop a draft list of topics to be covered by December 31, 2007.

Activity Target 2: Reserve location and finalize topics to be covered and vendors to provide training; finalize agenda identifying all topics and speakers by March 31, 2008.

Activity Target 3: Finalize all preparations and hold conference by August 31, 2008.

Core Business Measure: General Legal Services & Other Legal Services

Various small practice areas related to administrative requirements imposed on the agency by statute, including Ethics, FOIA, Privacy Act, Alternative Dispute Resolution and Legislation. Meet client due dates 80% of the time.

Core Business Function: Advice & Representation on Matters Related to General Law

Provide legal services related to Ethics, FOIA, Privacy Act, Alternative Dispute Resolution and Legislation.

Core Activity: Advice & Representation On Matters Related to General Law.

Provide legal services related to Ethics, FOIA, Privacy Act, Alternative Dispute Resolution and Legislation.

Activity Target 1: Upon receipt of a complete FOIA appeal package, AGC will prepare an appeal response within 20 days 50% of the time.

Activity Target 2: Support client offices in representing the agency before Congress, in administrative forums and in federal district and appeal courts on all general law issues and litigation.

Activity Target 3: Provide general legal services functions, and prepare the Administrator and other high level agency official testimony for congress.

Core Activity: Automation of Ethics Program

Automate filing of confidential financial disclosure forms for regional employees.

Activity Target 1: Make the Office of

Government Ethics (OGE) financial disclosure automated filing system available in four regions by September 2008.

Core Activity: Confidential Financial Disclosure Forms

Each year the agency identifies employees required to file a confidential financial disclosure form or a public financial disclosure form. AGC provides guidance and annual training to agency employees required to file these forms.

Activity Target 1: Ensure 80% of agency employees required to file a Confidential Financial Disclosure Form complete their filing by February 15, 2008.

Activity Target 2: Ensure 80% of agency employees required to file a Public Financial Disclosure Form complete their filing by May 15, 2008.

Activity Target 3: Ensure 80% of agency employees required to file these financial disclosure forms complete the annual ethics training requirement by December 31, 2007.